

EXPLANATORY MEMORANDUM TO

The Local Government (Transitional, Incidental, Consequential and Supplementary Provisions) Regulations (Northern Ireland) 2015

SR 2015 No. 125

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 124 of the Local Government Act (Northern Ireland) 2014 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. These Regulations make transitional provision to enable the new councils to obtain or preserve borough status and also make provision in relation to aldermen and rolls of honorary freemen.
- 2.2. Borough charters which have not been preserved under Regulation 3 by 1 October 2016 will be annulled. An effect of this will be to annul any existing rolls of honorary freemen linked to those charters. Regulation 2 provides that where, before that date, a new council is granted a borough charter, such rolls will form part of the roll of honorary freemen for the new borough.
- 2.3. Regulation 3 enables a new council to become a borough by preserving, by 1 October 2016, an existing borough charter where the whole or major part of that borough is within the new council's district. This preserved charter will have effect in the whole of the new district.
- 2.4. In some circumstances city status was conferred on a local government district or borough. In order to ensure the preservation of city status linked to borough charters Regulation 3 provides for the preservation of borough charters where this is the case.
- 2.5. Regulation 4 provides for the designation of aldermen. This Regulation replicates the provisions included in the Local Government (Modification of Borough Charters) Order (NI) 1973, which are being revoked.
- 2.6. Regulation 5 provides the rules in respect of admittance to freedom of the borough.
- 2.7. Regulation 6 revokes the Local Government (Modification of Borough Charters) Order (NI) 1973.

3. Background

- 3.1. All new councils are established in legislation as district councils, provided for by section 1 of the Local Government Act (NI) 1972 ("the 1972 Act") as amended by the Local Government (Boundaries) Act (NI) 2008.

- 3.2. Section 2 of the Local Government Act (Northern Ireland) 1972 enables a district council to submit a petition praying for the grant of a borough charter.
- 3.3. Section 124 of the Local Government Act (Northern Ireland) 2014 provides that the Department may by regulations make modifications to local government legislation as necessary for the purpose of preparing for, or giving full effect to, the reorganisation of local government provided for by the Local Government (Boundaries) Act (Northern Ireland) 2008.
- 3.4. This provides the legislative authority to make all necessary provisions relating to the transitional period.

4. Consultation

- 4.1. A public consultation on the Regulations was undertaken by the Department. The consultation period ended on 12 December 2014.

5. Equality Impact

- 5.1. An Equality Assessment has not been produced for these Regulations. The draft Regulations will apply equally across councils and as a result are neutral in terms of impact. The eleven new councils will be statutory authorities in their own right and, once established, will have their own equality duties. The draft Regulations were subject to public consultation and no equality issues were raised.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment has not been produced for these regulations, because the proposals impose no costs or savings on businesses, charities, social economy enterprises or the voluntary sector.

7. Financial Implications

- 7.1. There are no additional costs implications associated with the introduction of these Regulations.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The regulations are considered compliant with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. There are no EU implications associated with the draft Regulations.

10. Parity or Replicatory Measure

- 10.1. Not applicable.

11. Additional Information

- 11.1. The Department intends to bring the Regulations into operation in contravention of the "21 day rule". The Department apologises for doing this but considers that this is necessary as councils wish to be able to have access to the provisions of the Regulations, in particular, those in respect of existing charters, in advance of 1 April 2015.